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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/680,985	10/07/2003	Tomohiro Ono	89277.0008	6482

26021 7590 10/05/2005

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EXAMINER

AVERY, BRIDGET D

ART UNIT PAPER NUMBER

3618

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

10/680,985

Applicant(s)

ONO ET AL.

Examiner

Bridget Avery

Art Unit

3618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,7,8,10,11 and 20 is/are rejected.
- 7) ☒ Claim(s) 3-6,9 and 12-19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10/07/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. The Information Disclosure Statement filed by applicant on October 7, 2003 is acknowledged and has been considered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Lyons et al. (US Patent 5,941,328).

Lyons teaches an electric vehicle including:

- A first controller that controls a motor
- A chargeable battery supplying electric power to the motor
- A second controller connected to the battery that controls electric charge for the battery and electric discharge from the battery
- A first communication path that communicates between the first controller and the second controller
- Each controller including a mutual actuating unit

Claim Rejections - 35 USC § 103

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lyons et al. (US Patent 5,941,328).

Lyons et al. teaches at least one communication path (31, 32, 630, 819, 824, 854).

Lyons et al. is silent regarding whether the path is wired or wireless.

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to include either a wired path or a wireless path, since applicants has not disclosed that one or the other solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with a wireless path or a wired path.

4. Claims 2, 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lyons et al. (US Patent 5,941,328).

Lyons et al. teaches the features described above.

Lyons lacks the teaching of a power source control circuit (with main switches 38, 40) that turns on and off the power source.

Nonobe teaches a power source control circuit.

Based on the teachings of Nonobe, it would have been obvious to one having ordinary skill in the art, at the time the invention was made, to add a power source control circuit to effectively control the driving state of the elements of the power supply system.

Allowable Subject Matter

5. Claims 3-6, 9 and 12-19 are allowed.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Komiyama et al. shows a drive force control for hybrid electric vehicle.

Zhang et al. shows a method and system for controlling power distribution in a hybrid fuel cell vehicle.

Hunt shows a method and system for controlling power distribution in a hybrid fuel cell vehicle.

Yakes et al. shows A/C bus assembly for electronic traction vehicle.

Yang shows a storage battery auxiliary charging system with surveillance functions.

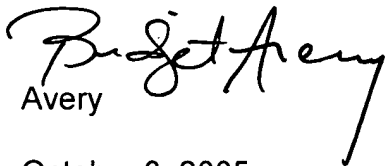
Kitada shows an electric hybrid vehicle.

Simmons et al. shows a wheelchair-mounted control apparatus.

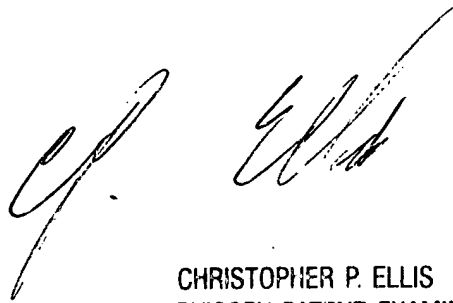
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Any inquiry concerning this communication should be directed to Bridget Avery at
telephone number 571-272-6691.


Avery

October 3, 2005



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